

P21470.A11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Markus OECHSLE et al.

Art Unit: 1731

Appln. No. : 09/936,516

Examiner: M. Halpern

Filed : December 5, 2001

For : DEVICE FOR DETERMINING THE CHARACTERISTICS OF A  
RUNNING MATERIAL

AMENDMENT UNDER 37 C.F.R. 1.312 & DESCRIPTION OF  
SUBSTANCE OF INTERVIEW

Commissioner For Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please enter the following amendment which has been prepared in accordance with 37  
C.F.R. 1.121 as revised effective July 30, 2003.

Additionally, the following discussion is offered as to the nature of the telephone  
interview with examiner Mark Halpern. The undersigned contacted Examiner Halpern on  
August 15, 2003 to point out that the Examiner's rejection of two co-pending applications  
over each other, on provisional grounds of the judicially created obviousness type double  
patenting was not in compliance with MPEP guidelines. It was argued that the more  
appropriate approach was to allow one application and reject the other on the provisional  
grounds of double patenting. Examiner Halpern graciously agreed to reconsider his position  
and did in fact withdraw the rejection in the instant application.